

**DRAFT**  
**ENVIRONMENTAL ASSESSMENT**  
**CHECKLIST**

**BLACKLEAF WMA MANAGEMENT AREA**  
**GRAZING LEASE**

**4/19/2023**



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## I. Compliance with the Montana Environmental Policy Act

Before a proposed *project* may be approved, environmental review must be conducted to identify and consider potential impacts of the proposed project on the human and physical environment affected by the project. The Montana Environmental Policy Act (MEPA) and its implementing rules and regulations require different levels of environmental review, depending on the proposed project, significance of potential impacts, and the review timeline. § 75-1-201, Montana Code Annotated (“MCA”), and the Administrative Rules of Montana (“ARM”) 12.2.430, General Requirements of the Environmental Review Process.

FWP must prepare an EA when:

- It is considering a “state-proposed project,” which is defined in § 75-1-220(8)(a) as:
  - (i) a project, program, or activity initiated and directly undertaken by a state agency;
  - (ii) ... a project or activity supported through a contract, grant, subsidy, loan, or other form of funding assistance from a state agency, either singly or in combination with one or more other state agencies; or
  - (iii) ... a project or activity authorized by a state agency acting in a land management capacity for a lease, easement, license, or other authorization to act.
- It is not clear without preparation of an EA whether the proposed project is a major one significantly affecting the quality of the human environment. ARM 12.2.430(3)(a));
- FWP has not otherwise implemented the interdisciplinary analysis and public review purposes listed in ARM 12.2.430(2) (a) and (d) through a similar planning and decision-making process (ARM 12.2.430(3)(b));
- Statutory requirements do not allow sufficient time for the FWP to prepare an EIS (ARM 12.2.430(3)(c));
- The project is not specifically excluded from MEPA review according to § 75-1-220(8)(b) or ARM 12.2.430(5); or
- As an alternative to preparing an EIS, prepare an EA whenever the project is one that might normally require an EIS, but effects which might otherwise be deemed significant appear to be mitigable below the level of significance through design, or enforceable controls or stipulations or both imposed by the agency or other government agencies. For an EA to suffice in this instance, the agency must determine that all the impacts of the proposed project have been accurately identified, that they will be mitigated below the level of significance, and that no significant impact is likely to occur. The agency may not consider compensation for purposes of determining that impacts have been mitigated below the level of significance (ARM 12.2.430(4)).

MEPA is procedural; its intent is to ensure that impacts to the environment associated with a proposed project are fully considered and the public is informed of potential impacts resulting from the project.

## II. Background and Description of Proposed Project

This section includes a short description of the proposed project including the project sponsor/ applicant/ responsible party, the type of proposed action and the anticipated schedule of the proposed project.

**Name of Project:** Blackleaf Wildlife Management Area Grazing Lease

The Blackleaf Wildlife Management Area (BLWMA) encompasses approximately 11,000 acres, all managed by MFWP. The area to be grazed consists of gentle and rolling topography and is primarily limber pine and grassland savannah with scattered Douglas fir.

One of the primary goals for the BLWMA is to emphasize the occurrence of highly productive, diverse plant communities that will provide high quality forage and cover for native wildlife species. Prairie vegetation is

managed with emphasis on rough fescue (*Festuca scabrella*) because of its palatability to big game species. Rough fescue is considered a climax species in mountain-foothill zones of Montana and preferred winter forage by elk. It is therefore considered an indicator of overall grassland health. Numerous studies have shown that, if this plant is carefully managed, the entire plant community moves toward a more productive, vigorous climax.

In June of 1990, a rotational grazing system was initiated on the BLWMA utilizing livestock from neighboring ranches. The grazing system is designed to duplicate, as nearly as possible, natural ungulate grazing. Each pasture is grazed for 6-7 weeks, beginning approximately June 1, and then allowed complete rest for 3 full growing seasons. Pasture units 1-4 provide most livestock grazing on the WMA. Pastures 5-8 are grazed as part of the overall grazing rotation system. Dependent upon vegetative and climatic conditions, grazing units 1-4 may be divided into halves or thirds, using portable solar-powered electric fencing, and grazed for 2-3 weeks each. Electric fences are removed at the end of each grazing season, generally in early to mid-August.

Analysis of vegetation data from 1979-2009 indicates a significant increase in overall grass cover and a significant decline in forb/shrub cover on the BLWMA. Range condition has improved to “good-excellent” status (by NRCS standards applied in 1979) based upon significant improvement in rough fescue cover and declining influence of several forb species. Rough fescue, a very important deer and elk winter/spring forage species, has increased significantly in basal cover. Horizontal juniper, an important browse for mule deer in mountain-foothill prairie habitats, also exhibited a significant increase over the 30-year period.

Elk, mule and white-tailed deer and pronghorn antelope currently use the BLWMA throughout the year. The BLWMA is an important elk winter range on the Rocky Mountain Front. Proposed livestock grazing will continue to maintain and enhance production of rough fescue according to the 4-year rotational schedule. The goal to manage for the occurrence of highly productive, diverse plant communities providing the quality forage and cover is being met through livestock grazing. As a result, the improved forage quality is encouraging the use of the BLWMA by elk, mule deer and antelope during the spring and providing quality winter forage. Periodic livestock grazing of the area will continue enhance winter range habitat and forage for elk and mule deer.

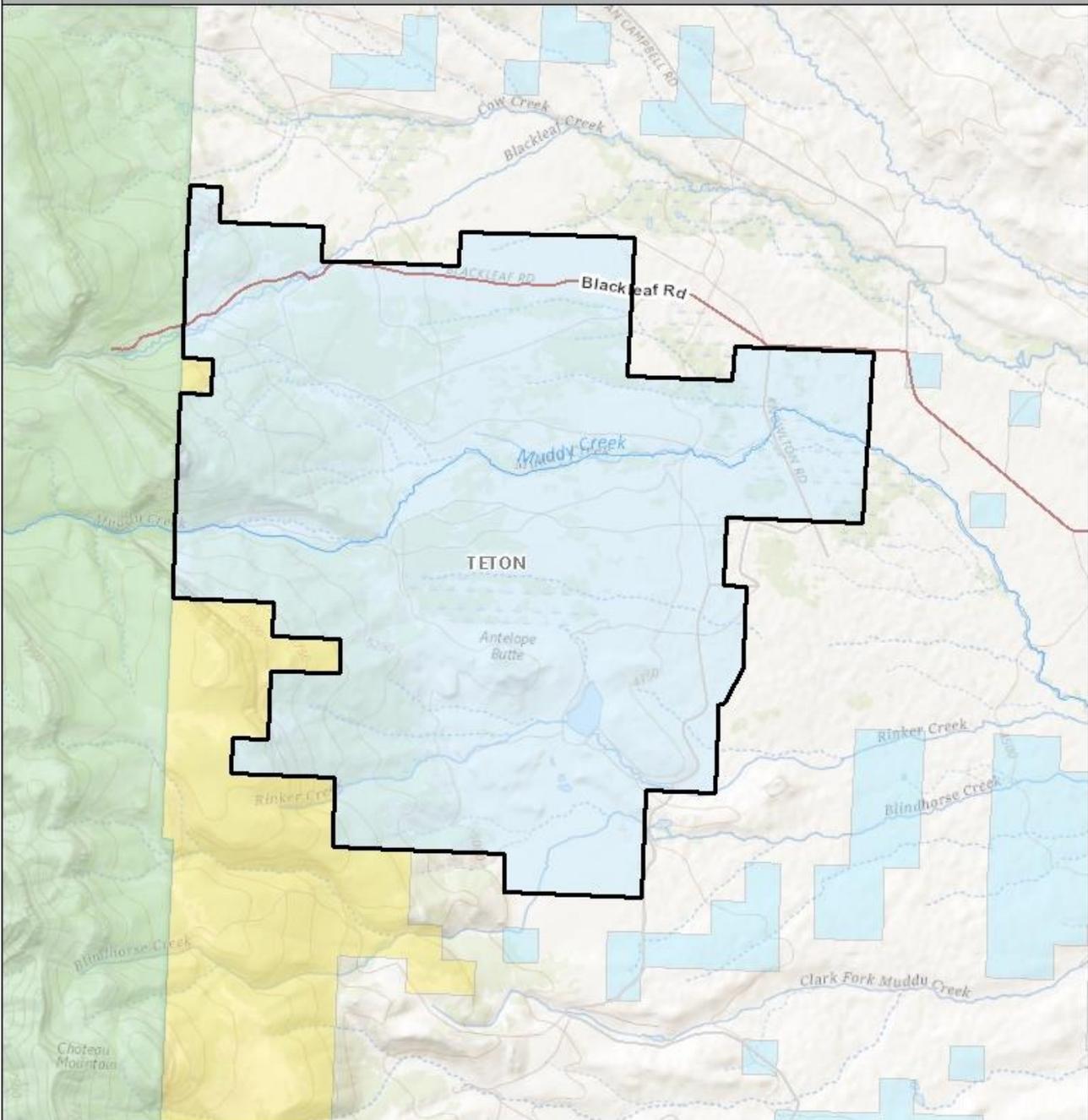
Elk and other game species can be found on the adjacent lessee’s property. Historically, the lessee has allowed public hunting with permission to over 7000 acres of their property as a condition of grazing the BLWMA. The cooperative nature of reciprocal hunting access has allowed improved management of elk in the area and increased hunter opportunity. As a part of the proposed action, the lessee proposes to allow public hunting with permission on their property for the duration of the lease agreement. Public access to portions of the ranch at certain times of the year may be denied due to the presence of livestock or other activities that might disrupt normal ranching operations. The lessee will regulate hunter numbers and timing and distribution of hunters on a first-come, first-served basis. Hunting will be allowed by permission only.

The grazing capacity of the BLWMA is estimated to be a maximum of 1500 AUMs annually. During the 4-year rotation, each pasture would be grazed from approximately June 1 – August 31 although actual dates may vary depending upon environmental conditions and number of cattle to be grazed. Following grazing, each pasture will be rested for 3 years. This grazing lease would extend for 8 years from June 1, 2024 through December 31, 2031 thereby completing a two full rotations.

#### **Affected Area / Location of Proposed Project**

- Legal Description
  - Latitude/Longitude: 47.99192, -112.64432
  - Section, Township, and Range:
    - All or a portion of Sections: 3,4,5, Township 25 North, Range 8 West

- All or a portion of Sections: 7, 8, 9 10, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28, 29, 31, 31, 32, 34 Township 26 North, Range 8 West
  - Town/City, County, Montana: Bynum/Teton County, Montana
- Location Map
  - The Blackleaf Wildlife Management Area is located approximately 12 air miles west of Bynum, MT.



 Blackleaf WMA Boundary

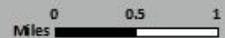


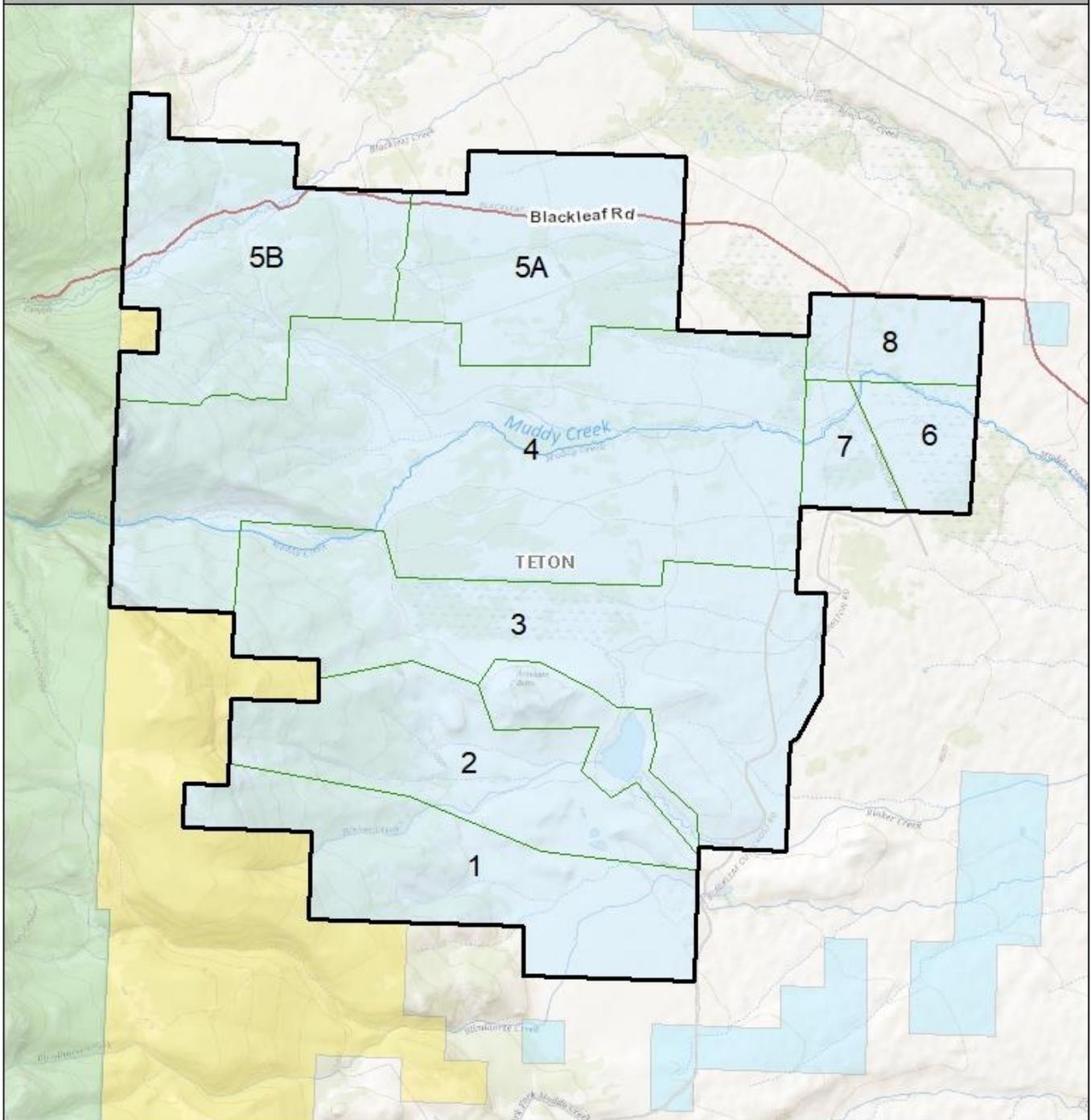
Map Produced by: Wildlife Division, Region 4  
Ryan Rauscher /Conrad Field Office  
12/2/23

Area of Interest



Credits: Administrative boundaries and FWP lands data from Montana Fish, Wildlife & Parks, Helena, MT. Background Imagery from ESRI...





Blackleaf WMA Boundary

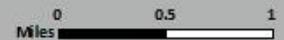


Map Produced by: Wildlife Division, Region 4  
Ryan Rauscher/Conrad Field Office  
2/2/23

Area of Interest



Credits: Administrative boundaries and FWP lands data from Montana Fish, Wildlife & Parks, Helena, MT. Background Imagery from ESRI.



The grazing rotation on the WMA would follow the grazing plan in Table 1. The lessee would be allowed between 500 and 1,500 AUMs. Cattle may be present on the pastures anytime between June 1<sup>st</sup> and August 31<sup>st</sup>. Following being grazed, the pastures would be rested from livestock grazing for a period of 3 years.

Table 1. Blackleaf WMA Proposed Grazing Schedule

Year	Pasture 1	Pasture 2	Pasture 3	Pasture 4	Pasture 5A	Pasture 5B	Pasture 6	Pasture 7	Pasture 8
2024			Graze					Graze	Graze
2025				Graze			Graze		
2026	Graze				Graze				
2027		Graze				Graze			
2028			Graze					Graze	Graze
2029				Graze			Graze		
2030	Graze				Graze				
2031		Graze				Graze			



### III. Purpose and Need

The EA must include a description of the benefits and purpose of the proposed project. ARM 12.2.432(3)(b). Benefits of the proposed project refer to benefits to the resource, public, department, state, and/or other.

Project Purpose and Benefits:

FWP proposes to lease approximately ¼ of the 11,000-acre BLWMA annually for cattle grazing to better manage vegetation for wildlife cover and forage. The grazing lease would extend for 8 years beginning June 1, 2024, through December 31, 2031.

The grazing system would provide periods of rest to native pastures. Grazing on pastures would occur June 1<sup>st</sup> to August 31<sup>st</sup> each year throughout the term of the lease and would be managed through a rest-rotation grazing system. The lessee would be permitted to graze up to 1,500 Animal Unit Months (AUMs) per year and the lessee agrees to allow public hunting access to their adjacent property as a condition of the grazing lease.

The anticipated benefits of the proposed grazing system on the BLWMA would result primarily from the heterogeneity of grazing treatments and periods of rest provided by the rest-rotation grazing system. This strategy, coupled with ongoing access hunter access to the property, will result in the following intended benefits:

- Increase the occurrence of highly productive, diverse plant communities that will provide high quality forage and cover for native wildlife species.
- Improve elk management and increase hunter opportunity.

If FWP prepared a cost/benefit analysis before completion of the EA, the EA must contain the cost/benefit analysis or a reference to it. ARM 12.2.432(3)(b).

	Yes*	No
Was a cost/benefit analysis prepared for the proposed project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

\* If yes, a copy of the cost/benefit analysis prepared for the proposed project is included in Attachment A to this Draft EA

### IV. Other Agency Regulatory Responsibilities

FWP must list any federal, state, and/or local agencies that have overlapping or additional jurisdiction, or environmental review responsibility for the proposed project, as well as permits, licenses, and other required authorizations. ARM 12.2.432(3)(c).

A list of other required local, state, and federal approvals, such as permits, certificates, and/or licenses from affected agencies is included in **Table 2** below. **Table 2** provides a summary of state requirements but does not necessarily represent a complete and comprehensive list of all permits, certificates, or approvals needed. Rather, **Table 2** lists the primary state agencies with regulatory responsibilities, the applicable regulation(s) and the purpose of the regulation(s). Agency decision-making is governed by state and federal laws, including statutes, rules, and regulations, that form the legal basis for the conditions the proposed project must meet to

obtain necessary permits, certificates, licenses, or other approvals. Further, these laws set forth the conditions under which each agency could deny the necessary approvals.

**Table 2: Federal, State, and/or Local Regulatory Responsibilities**

Agency	Type of Authorization (permit, license, stipulation, other)	Purpose
NA		

## V. List of Mitigations, Stipulations

Mitigations, stipulations, and other *enforceable* controls required by FWP, or another agency, may be relied upon to limit potential impacts associated with a proposed Project. The table below lists and evaluates enforceable conditions FWP may rely on to limit potential impacts associated with the proposed Project. ARM 12.2.432(3)(g).

**Table 3: Listing and Evaluation of Enforceable Mitigations Limiting Impacts**

<i>Are enforceable controls limiting potential impacts of the proposed action? If not, no further evaluation is needed.</i>			Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<i>If yes, are these controls being relied upon to limit impacts below the level of significance? If yes, list the enforceable control(s) below</i>			Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Enforceable Control	Responsible Agency	Authority (Rule, Permit, Stipulation, Other)	Effect of Enforceable Control on Proposed Project	
Grazing Rotation	FWP	Grazing Lease	Limit long-term grazing impacts	
Noxious Weed Monitoring and Mitigation	Lessee	Grazing Lease	Limit the spread of noxious weeds	

## VI. Alternatives Considered

In addition to the proposed Project, and as required by MEPA, FWP analyzes the "no-action" alternative in this EA. Under the "no-action" alternative, FWP would not do the proposed project.

Under the "no action" alternative, the proposed project would not occur. Therefore, no additional impacts to the physical environment or human population in the analysis area would occur as a result of the proposed action. The "No Action" alternative forms the baseline from which the potential impacts of the proposed Project can be measured. If the No Action alternative is chosen, MFWP would continue to manage the WMA for the benefit of wildlife species and for public access. Current services and maintenance of the WMA would continue. No further impacts to environmental or human resources would be expected to occur.

	Yes*	No
Were any additional alternatives considered and dismissed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

\* If yes, a list and description of the other alternatives considered, but not carried forward for detailed review is included below

## VII. Summary of Potential Impacts of the Proposed Project on the Physical Environment and Human Population

The impacts analysis identifies and evaluates **direct, secondary, and cumulative impacts**.

- **Direct impacts** are those that occur at the same time and place as the action that triggers the effect.
- **Secondary impacts** “are further impacts to the human environment that may be stimulated or induced by or otherwise result from a direct impact of the action.” ARM 12.2.429(18).
- **Cumulative impacts** “means the collective impacts on the human environment of the proposed action when considered in conjunction with other past and present actions related to the proposed action by location or generic type. Related future actions must also be considered when these actions are under concurrent consideration by any state agency through pre-impact statement studies, separate impact statement evaluation, or permit processing procedures.” ARM 12.2.429(7).

Where impacts are expected to occur, the impact analysis estimates the **extent, duration, frequency, and severity** of the impact. The duration of an impact is quantified as follows:

- **Short-Term:** impacts that would not last longer than the proposed project.
- **Long-Term:** impacts that would remain or occur following the proposed project.

The severity of an impact is measured using the following:

- **No Impact:** there would be no change from current conditions.
- **Negligible:** an adverse or beneficial effect would occur but would be at the lowest levels of detection.
- **Minor:** the effect would be noticeable but would be relatively small and would not affect the function or integrity of the resource.
- **Moderate:** the effect would be easily identifiable and would change the function or integrity of the resource.
- **Major:** the effect would irretrievably alter the resource.

Some impacts may require mitigation. As defined in ARM 12.2.429, mitigation means:

- Avoiding an impact by not taking a certain action or parts of a project;
- Minimizing impacts by limiting the degree or magnitude of a project and its implementation;
- Rectifying an impact by repairing, rehabilitating, or restoring the affected environment; or
- Reducing or eliminating an impact over time by preservation and maintenance operations during the life of a project or the time period thereafter that an impact continues.

A list of any mitigation strategies including, but not limited to, design, enforceable controls or stipulations, or both, as applicable to the proposed project is included in **Section VI** above.

FWP must analyze impacts to the physical and human environment for each alternative considered. The proposed project considered the following alternatives:

- Alternative 1: No Action; and
- Alternative 2: Proposed Project

**Table 4: Impacts to the Physical Environment – Alternative 2: Proposed Project**

PHYSICAL ENVIRONMENT	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
Terrestrial, avian, and aquatic life and habitats	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>No significant adverse impacts to terrestrial, avian, and aquatic life and habitats would be expected because of the proposed project. Species found on the BLWMA that have been shown to prefer areas that are grazed periodically include ungulates, upland sandpipers, , horned larks, killdeer, western meadowlark, common nighthawk, thick-billed longspurs, and Canada geese. Other species found on the BLWMA that may benefit from increased residual grass cover include vesper sparrow, Sprague’s pipit, sharp-tailed grouse, ring-necked pheasant, grasshopper sparrow, and several species of waterfowl and small mammals. These lists of species represent a variety of species and their varying habitat preferences but do not constitute a complete list of wildlife species present on the BLWMA. Livestock grazing may beneficially and adversely impact BWLMA habitat productivity for both game and nongame fish and wildlife species and may lead to wildlife avoidance of pastures when cattle are present. The effects of grazing would vary by wildlife species and adverse impacts would be mitigated by grazing rotation strategies. Grazing pressure that is rotated seasonally may temporarily reduce upland bird nesting cover but may also keep perennial grasses and forbs in a more productive state through time. Surface water would be used for watering livestock. When present, livestock may congregate near water sources causing increased turbidity and deposition of wastes, which may adversely impact aquatic life and habitats. However, because the BLWMA has historically been used for grazing, any impact to aquatic life and habitats would be consistent with current and historic</p>

									impacts. Further, any adverse impacts caused by grazing on the BLWMA would be offset by rest and rotation practices thereby limiting any potential impacts. Overall, anticipated impacts to terrestrial, avian, and aquatic life and habitats in the affected area would be short- and long-term, adverse and beneficial, minor, consistent with current and historical impacts, and mitigated by grazing rotation strategies.
Water quality, quantity, and distribution	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to water quality, quantity, and distribution would be expected because of the proposed project. The quantity and distribution of water used by cattle would be consistent with current and historic levels. Existing surface water resources located on the BLWMA would be used for watering livestock when present, livestock may congregate near existing water sources causing increased turbidity and deposition of wastes. Because the proposed action would continue historic grazing activities on the BLWMA any impacts to water quality would be consistent with impacts realized by historic practices. Further, any adverse impacts to water resources located on the BLWMA would be mitigated by grazing rest and rotation strategies. Overall, any impacts to water quality, quantity, and distribution would be short-term, adverse, minor, and mitigated by grazing rest and rotation strategies.
Geology	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to geology would be expected because of the proposed project. No important geologic structures are located within the BLWMA and the proposed grazing activities will not directly affect the geologic surface of the affected area. Further, the affected area has historically been used for grazing; therefore, any potential impacts to geology in the affected area would already have been realized. Therefore, no additional impacts to geology would be expected because of the proposed project.
Soil quality, stability, and moisture	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to soil quality, stability, and moisture would be expected because of the proposed

									project. Hoof action from livestock grazing and livestock congregating near water sources and mineral blocks may cause a temporary increase in soil compaction and erosion. Grazing rest and rotation strategies will minimize potential adverse impacts. Therefore, any impacts to soil quality, stability, and moisture would be short-term, minor, and mitigated by rest and rotation practices.
Vegetation cover, quantity, and quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to vegetation cover, quantity, and quality would be expected because of the proposed project. Grazing can impact the diversity, productivity, abundance, and standing cover of plant species. Livestock grazing can have both beneficial and adverse impacts on vegetation productivity and diversity depending on how it is managed (e.g., timing, duration, and intensity of grazing). The grazing rotation, which includes 3 years of rest, has shown to support productivity and overall health of native vegetation on the BLWMA. Livestock grazing does have the potential to increase the spread of seeds from noxious weeds. The BLWMA generally has had few noxious weed infestations. Any potential establishment or spread of noxious weeds would be mitigated by annual weed monitoring by the lessee and FWP staff followed by chemical and/or biological treatment as part of ongoing weed management practices on FWP Region 4 WMAs. Any impacts to vegetation cover, quantity, and quality would be short-term, minor, and mitigated by grazing rest and rotation practices and active monitoring for and removal of noxious weeds, as needed.
Aesthetics	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to aesthetics would be expected because of the proposed project. Domestic livestock have historically used the BLWMA for grazing. The presence of and signs of livestock use on the BLWMA may be objectionable to some segments of the public, particularly some fishermen, hikers, or campers using the BLWMA as access to the Rocky Mountain Front landscape.

									Livestock use would be completed prior to the archery and general hunting seasons when historically most of the use on the WMA has occurred. Therefore, any impacts to the aesthetic nature of the affected area would be short-term, minor, consistent with historic impacts, and mitigated by seasonal grazing and rest and rotation practices.
Air quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to air quality would be expected because of the proposed project. Air quality in the area affected by the proposed project is currently unclassifiable or in compliance with applicable national and Montana ambient air quality standards (NAAQS/MAAQs). Further, no significant point-sources of air pollution exist in the area affected by the proposed project. Existing sources of air pollution in the area are limited and generally include fugitive dust associated with high wind events and exposed ground, vehicle travel on unpaved roads (fugitive dust), vehicle exhaust emissions, and various agricultural practices (vehicle exhaust emissions and fugitive dust). Fugitive dust emissions resulting from the movement of cattle over exposed ground may adversely contribute to existing air quality impacts. Any impacts to air quality would be short-term, negligible, and consistent with existing impacts.
Unique, endangered, fragile, or limited environmental resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to any unique, endangered, fragile, or limited environmental resources would be expected because of the proposed project. The presence of any animal and/or plant Species of Concern or any Threatened or Endangered species located within or using the affected area were assessed and include the grizzly bear, which is listed as a threatened species under the Endangered Species Act or ESA. A complete list of any Species of Concern and any other Threatened or Endangered species that have been observed in the affected area is included in the Appendix. Grizzly bears are present on and around the WMA during the spring, summer, and fall. Grizzly bear presence is recognized by

									the cooperating owner of the livestock to be grazed. As such, livestock distribution is regularly monitored and assessed to avoid direct conflict with grizzly bears that may be located on or use the affected area. In the event a bear-conflict occurs, all measures would be made to favor the continued presence of the threatened grizzly bear on the BLWMA. Further, grazing activity has historically occurred on the BLWMA. Therefore, any adverse impacts to unique, endangered, fragile, or limited environmental resources that may be located within or use the affected area would be short-term, minor, and consistent with existing impacts from historic and ongoing grazing practices in the affected area.
Historical and archaeological sites	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>No significant adverse impacts to historic and archaeological sites would be expected because of the proposed project. In keeping with the Montana Antiquities Act and related regulations (ARM 12.8.501-12.8.510), all undertakings on state lands are assessed by a qualified archaeologist or historian for their potential to affect cultural resources. The process for this assessment may include a cultural resource inventory and evaluation of cultural resources within or near the project area, in consultation with the State Historic Preservation Office. FWP also consults with all Tribal Historic Preservation Offices affiliated with each property in accordance with FWP's Tribal Consultation Guidelines. A Cultural Resource Survey was conducted for the proposed project on 2/25/1991. The results of the survey demonstrated cultural resources eligible for the National Register of Historic Places do exist in the affected area and include:</p> <p>24TT59 25N 8W SW 04 Tipi Ring site  24TT42 26N 8W NW 27 Tipi Ring site  24TT47 26N 8W SW 28 Tipi Ring site</p>

									These cultural resources will be protected from adverse effects through adjustments to the project design or cancellation of the project if no design alternatives are available. If additional cultural resources are unexpectedly discovered during project implementation, FWP will cease implementation and contact FWP's Heritage Program for further evaluation. Further, the BLWMA has historically been used for grazing. Therefore, no impacts to any historical and archaeological sites would be expected because of the proposed project.
Demands on environmental resources of land, water, air, and energy	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to demands on the environmental resources of land, water, air, and energy would be expected because of the proposed project. The BLWMA has historically been used for grazing. No increased use of fuel would be required for the proposed project; therefore, no impacts to the environmental resource of energy would be expected because of the proposed project. As identified previously through the analyses of potential impacts to water quality, quantity, and distribution; soil quality, stability, and moisture; vegetation cover, quantity, and quality; and air quality, some impacts to the environmental resources of land, water, and air may occur because of the proposed project. However, any such impacts would be consistent with current and historic impacts and mitigated by grazing rest and rotation practices. Therefore, any impacts would be short- and long-term, beneficial and adverse, negligible and minor. No other impacts to the demands on environmental resources of land, water, air, and energy would be expected because of the proposed project.

**Table 5: Impacts to the Human Population**

HUMAN POPULATION	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
Social structures and mores	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant impacts to social structures and mores in the affected area would be expected because of the proposed project. The proposed project would continue historic grazing activity on the BLWMA using a rest and rotation grazing strategy to promote diverse plant communities. One of the primary goals for the BLWMA is to emphasize the occurrence of highly productive, diverse plant communities that will provide high quality forage and cover for native wildlife species. Many Montanans and those visiting the state for outdoor recreational purposes hold high regard for conservation of public lands, such as Wildlife Management Areas. The proposed project would not change current land use or human activities in the affected area. Therefore, the proposed project would not impact any pre-project social structures, customs, values, and conventions in the affected area.
Cultural uniqueness and diversity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant impacts to cultural uniqueness and diversity in the affected area would be expected because of the proposed project. The proposed project would continue historic grazing activity on the BLWMA and would not result in any new or changed employment opportunities. Therefore, the proposed project is not expected to result in any relocation of people in to or out of the affected area. No impacts to the existing cultural uniqueness and diversity of the affected area would be expected because of the proposed project.
Access to and quality of recreational and wilderness activities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to access to and quality of recreational and wilderness activities would be expected because of the proposed project. The proposed project would take place entirely on land designated as a Wildlife

									<p>Management Area or WMA. The Bob Marshall Wilderness Area is located approximately 2 miles from the affected site; however, the proposed action will not block access to or otherwise impact the Bob Marshall Wilderness Area in any way. Therefore, no impacts to Wilderness recreation activities would occur because of the proposed project. Domestic livestock have historically used the BWLMA for grazing and would continue to do so under the proposed action. The presence of livestock on the WMA may be viewed by some as decreasing the quality of recreational activities on the BLWMA. To mitigate such impacts, livestock would be removed from the WMA prior to the hunting seasons when most recreational activity occurs in the affected area. The rest-rotation grazing system would ensure some pastures are free from livestock every year and no closure of public lands would occur because of the proposed project. Therefore, any impact to access to and the quality of recreational and wilderness activities in the affected area would be short-term, minor, and consistent with current and historic impacts.</p>
Local and state tax base and tax revenues	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>No significant adverse impacts to local and state tax base and tax revenue would occur because of the proposed project. The proposed action would maintain existing and historic livestock grazing activities on the BLWMA and the number of cattle to be grazed in the area would be consistent with historic grazing activity on the property. Therefore, no additional impacts to the local and state tax base and tax revenue would be expected because of the proposed project.</p>
Agricultural or Industrial production	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>No significant adverse impacts to agricultural or industrial production would occur because of the proposed project. Industrial production is not allowed on public lands designated as a Wildlife Management Area, such as the BLWMA. Therefore, no impact to industrial production would be expected because of the proposed project. Further, the proposed action would continue grazing practices on the BLWMA for an additional 8 years.</p>

									Grazing activity on the BLWMA would continue to be managed in a manner and at a level consistent with past grazing practices, including the number of livestock grazed. Therefore, no impacts to agricultural production would be expected because of the proposed project.
Human health and safety	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to human health and safety would be expected because of the proposed project. The proposed project constitutes a continuation of historic grazing activity on the BLWMA and no direct staffing is needed to implement the proposed project. Therefore, no impacts to human health and safety would be expected because of the proposed project.
Quantity and distribution of employment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to the quantity and distribution of employment in the affected area would be expected because of the proposed project. The proposed project constitutes a continuation of historic grazing activity and would maintain a consistent number of animal units grazed on the BLWMA. Therefore, the proposed project would not increase or reduce employment opportunities in the affected area and no impacts to the quantity and distribution of employment in the affected area would be expected because of the proposed project.
Distribution and density of population and housing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to the distribution and density of population and housing would be expected because of the proposed project. The proposed project constitutes a continuation of historic grazing activity on the BLWMA and would not result in the movement of existing or new population in to or out of the affected area. Therefore, no impacts to the distribution and density of population and housing in the area affected by the proposed project would be expected because of the proposed project.
Demands for government services	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to the demands for government services would be expected because of the proposed project. The proposed project constitutes a

									continuation of historic grazing activity on the BLWMA; therefore, the infrastructure and needed equipment to implement the grazing system is already in place. Normal and routine maintenance costs would occur with or without grazing. There may be a slight increase in government costs associated with noxious weed management activities. Overall, any increase in administrative costs associated with the proposed action would be negligible. No additional demands for government services would be required for project implementation. Therefore, any impacts to the demands for government services would be short-term, negligible, and consistent with existing and historic impacts.
Industrial, agricultural, and commercial activity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to industrial, agricultural, and commercial activity would be expected because of the proposed project. The proposed project constitutes a continuation of historic grazing activity on the BLWMA and would not disturb or otherwise impact any industrial or commercial properties or operations in the affected area. The lease would allow continued grazing for 8 years on the BLWMA. Grazing activity on the BLWMA would continue to be managed in a manner and at a level consistent with historic grazing practices. Therefore, any impacts to agricultural production would be long-term, minor, and consistent with existing and historic impacts.
Locally adopted environmental plans and goals	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to locally adopted environmental plans and goals would be expected because of the proposed project. The affected property is currently, and would remain, designated a WMA. A primary goal of WMA's is to emphasize the occurrence of highly productive, diverse plant communities that will provide high quality forage and cover for native wildlife species. The proposed project would further such goals on the BLWMA. FWP is unaware of any other locally adopted environmental plans or goals that may be impacted by the proposed project. Therefore, no additional impacts to

									locally adopted environmental plans and goals would be expected because of the proposed project.
Other appropriate social and economic circumstances	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to any other appropriate social and economic circumstances would be expected because of the proposed project. FWP is unaware of any other appropriate social and economic circumstances that may be impacted by the proposed project]. Therefore, no significant adverse impacts to other appropriate social and economic circumstances would be expected because of the proposed project.

**Table 6: Determining the Significance of Impacts on the Quality of the Human Environment**

<p>If the EA identifies impacts associated with the proposed project FWP must determine the significance of the impacts. ARM 12.2.431. This determination forms the basis for FWP’s decision as to whether it is necessary to prepare an environmental impact statement.</p> <p>According to the applicable requirements of ARM 12.2.431, FWP must consider the criteria identified in this table to determine the significance of each impact on the quality of the human environment. The significance determination is made by giving weight to these criteria in their totality. For example, impacts identified as moderate or major in severity may not be significant if the duration is short-term. However, moderate or major impacts of short-term duration may be significant if the quantity and quality of the resource is limited and/or the resource is unique or fragile. Further, moderate or major impacts to a resource may not be significant if the quantity of that resource is high or the quality of the resource is not unique or fragile.</p>	
<b>Criteria Used to Determine Significance</b>	
1	<p>The <b>severity, duration, geographic extent, and frequency</b> of the occurrence of the impact</p> <p><b>“Severity”</b> describes the density of the potential impact, while <b>“extent”</b> describes the area where the impact will likely occur, e.g., a project may propagate ten noxious weeds on a surface area of 1 square foot. Here, the impact may be high in severity, but over a low extent. In contrast, if ten noxious weeds were distributed over ten acres, there may be low severity over a larger extent.</p> <p><b>“Duration”</b> describes the time period during which an impact may occur, while <b>“frequency”</b> describes how often the impact may occur, e.g., an operation that uses lights to mine at night may have frequent lighting impacts during one season (duration).</p>
2	The probability that the impact will occur if the proposed project occurs; or conversely, reasonable assurance in keeping with the potential severity of an impact that the impact will not occur
3	Growth-inducing or growth-inhibiting aspects of the impact, including the relationship or contribution of the impact to cumulative impacts
4	The quantity and quality of each environmental resource or value that would be affected, including the uniqueness and fragility of those resources and values

5	The importance to the state and to society of each environmental resource or value that would be affected
6	Any precedent that would be set as a result of an impact of the proposed project that would commit FWP to future actions with significant impacts or a decision in principle about such future actions
7	Potential conflict with local, state, or federal laws, requirements, or formal plans

## VIII. Private Property Impact Analysis (Takings)

The 54<sup>th</sup> Montana Legislature enacted the Private Property Assessment Act, now found at § 2-10-101. The intent was to establish an orderly and consistent process by which state agencies evaluate their proposed projects under the "Takings Clauses" of the United States and Montana Constitutions. The Takings Clause of the Fifth Amendment of the United States Constitution provides: "nor shall private property be taken for public use, without just compensation." Similarly, Article II, Section 29 of the Montana Constitution provides: "Private property shall not be taken or damaged for public use without just compensation..."

The Private Property Assessment Act applies to proposed agency projects pertaining to land or water management or to some other environmental matter that, if adopted and enforced without due process of law and just compensation, would constitute a deprivation of private property in violation of the United States or Montana Constitutions.

The Montana State Attorney General's Office has developed guidelines for use by state agencies to assess the impact of a proposed agency project on private property. The assessment process includes a careful review of all issues identified in the Attorney General's guidance document (Montana Department of Justice 1997). If the use of the guidelines and checklist indicates that a proposed agency project has taking or damaging implications, the agency must prepare an impact assessment in accordance with Section 5 of the Private Property Assessment Act.

**Table 7: Private Property Assessment (Takings)**

	Yes	No	
<i>Is FWP regulating the use of private property under a regulatory statute adopted pursuant to the police power of the state? (Property management, grants of financial assistance, and the exercise of the power of eminent domain are not within this category.) If not, no further analysis is required</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<i>Does the proposed regulatory action restrict the use of the regulated person's private property? If not, no further analysis is required.</i>	<input type="checkbox"/>	<input type="checkbox"/>	
<i>Does FWP have legal discretion to impose or not impose the proposed restriction or discretion as to how the restriction will be imposed? If not, no further analysis is required</i>	<input type="checkbox"/>	<input type="checkbox"/>	
<i>If so, FWP must determine if there are alternatives that would reduce, minimize, or eliminate the restriction on the use of private property, and analyze such alternatives. Have alternatives been considered and/or analyzed? If so, describe below:</i>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>PRIVATE PROPERTY ASSESMENT ACT (PPAA)</b>			
<b>Does the Proposed Action Have Takings Implications under the PPAA?</b>	<b>Question #</b>	<b>Yes</b>	<b>No</b>
Does the project pertain to land or water management or environmental regulations affecting private property or water rights?	1	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the action result in either a permanent or an indefinite physical occupation of private property?	2	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the action deprive the owner of all economically viable uses of the property?	3	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the action require a property owner to dedicate a portion of property or to grant an easement? (If answer is NO, skip questions 4a and 4b and continue with question 6.)	4	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is there a reasonable, specific connection between the government requirement and legitimate state interest?	4a	<input type="checkbox"/>	<input type="checkbox"/>
Is the government requirement roughly proportional to the impact of the proposed use of the property?	4b	<input type="checkbox"/>	<input type="checkbox"/>

Does the action deny a fundamental attribute of ownership?	5	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the action have a severe impact of the value of the property?	6	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the action damage the property by causing some physical disturbance with respect to the property in excess of that sustained by the public general? (If the answer is NO, skip questions 7a-7c.)	7	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is the impact of government action direct, peculiar, and significant?	7a	<input type="checkbox"/>	<input type="checkbox"/>
Has the government action resulted in the property becoming practically inaccessible, waterlogged, or flooded?	7b	<input type="checkbox"/>	<input type="checkbox"/>
Has the government action diminished property values by more than 30% and necessitated the physical taking of adjacent property or property across a public way from the property in question?	7c	<input type="checkbox"/>	<input type="checkbox"/>
<b>Does the proposed action result in taking or damaging implications?</b>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Taking or damaging implications exist if <b>YES</b> is checked in response to Question 1 and also to any one or more of the following questions: 2, 3, 4, 6, 7a, 7b, 7c; or if <b>NO</b> is checked in response to question 5a or 5b.			
If taking or damaging implications exist, the agency must comply with MCA § 2-10-105 of the PPAA, to include the preparation of a taking or damaging impact assessment. Normally, the preparation of an impact assessment will require consultation with agency legal staff.			
<b>Alternatives:</b>			
The analysis under the Private Property Assessment Act, §§ 2-10-101 through -112, MCA, indicates no impact. FWP does not plan to impose conditions that would restrict the regulated person's use of private property to constitute a taking.			

## IX. Public Participation

The level of analysis in an EA will vary with the complexity and seriousness of environmental issues associated with a proposed action. The level of public interest will also vary. FWP is responsible for adjusting public review to match these factors (ARM 12.2.433(1)). Because FWP determines the proposed action will result in limited environmental impact, and little public interest has been expressed, FWP determines the following public notice strategy will provide an appropriate level of public review:

- An EA is a public document and may be inspected upon request. Any person may obtain a copy of an EA by making a request to FWP. If the document is out-of-print, a copying charge may be levied (ARM 12.2.433(2)).
- Public notice will be served on the Montana Fish, Wildlife and Parks website at: <https://fwp.mt.gov/aboutfwp/public-comment-opportunities>
- Copies will be distributed to neighboring landowners to ensure their knowledge of the proposed project and opportunity for review and comment on the proposed action.
- FWP maintains a mailing list of persons interested in a particular action or type of action. FWP will notify all interested persons and distribute copies of the EA to those persons for review and comment (ARM 12.2.433(3)).
- FWP will issue public notice in the following newspaper periodical(s) on the date(s) indicated.

Newspaper / Periodical	Date(s) Public Notice Issued
Great Falls Tribune	3/19/2023

- Public notice will announce the availability of the EA, summarize its content, and solicit public comment.
  - **Duration of Public Comment Period:** The public comment period begins on the date of publication of legal notice in area newspapers (see above). Written or e-mailed comments will be accepted until 5:00 p.m., MST, on the last day of public comment, as listed below:

**Length of Public Comment Period:** 15 days

**Public Comment Period Begins:** 3/19/2023

**Public Comment Period Ends:** 4/3/2023

Comments must be addressed to the FWP contact, as listed below.

○ **Where to Mail or Email Comments on the Draft EA:**

Name: RYAN RAUSCHER

Email: rrauscher@mt.gov

Mailing Address:

514 South Front Street, Ste C

Conrad, Montana 59425

## X. Recommendation for Further Environmental Analysis

<b>NO</b> further analysis is needed for the proposed action	<input checked="" type="checkbox"/>
FWP must conduct <b>EIS</b> level review for the proposed action	<input type="checkbox"/>

## XI. EA Preparation and Review

	<b>Name</b>	<b>Title</b>
<b>EA prepared by:</b>	Ryan Rauscher	Conrad Area Wildlife Biologist
<b>EA reviewed by:</b>	Eric Merchant	FWP MEPA Coordinator

# Appendix

## Montana Species of Concern occurring in the affected project area.

Common Name	Scientific Name
Canada Lynx	<i>Lynx canadensis</i>
Fisher	<i>Pekania pennanti</i>
Fringed Myotis	<i>Myotis thysanodes</i>
Grizzly Bear	<i>Ursus arctos</i>
Hoary Bat	<i>Lasiurus cinereus</i>
Long-legged Myotis	<i>Myotis volans</i>
Merriam's Shrew	<i>Sorex merriami</i>
Western Pygmy Shrew	<i>Sorex eximius</i>
Wolverine	<i>Gulo gulo</i>
Alder Flycatcher	<i>Empidonax alnorum</i>
Bobolink	<i>Dolichonyx oryzivorus</i>
Boreal Chickadee	<i>Poecile hudsonicus</i>
Brewer's Sparrow	<i>Spizella breweri</i>
Cassin's Finch	<i>Haemorhous cassinii</i>
Chestnut-collared Longspur	<i>Calcarius ornatus</i>
Clark's Nutcracker	<i>Nucifraga columbiana</i>
Evening Grosbeak	<i>Coccothraustes vespertinus</i>
Golden Eagle	<i>Aquila chrysaetos</i>
Great Blue Heron	<i>Ardea herodias</i>
Long-billed Curlew	<i>Numenius americanus</i>
Pacific Wren	<i>Troglodytes pacificus</i>
Sprague's Pipit	<i>Anthus spragueii</i>
Thick-billed Longspur	<i>Rhynchophanes mccownii</i>
Veery	<i>Catharus fuscescens</i>
Northern Redbelly Dace	<i>Chrosomus eos</i>
Northern Redbelly X Finescale Dace	<i>Chrosomus eos x Chrosomus neogaeus</i>
Limestone Maidenhair Spleenwort	<i>Asplenium trichomanes-ramosum</i>
Crawe's Sedge	<i>Carex crawei</i>
Lackschewitz' Fleabane	<i>Erigeron lackschewitzii</i>
Simple Kobresia	<i>Kobresia simpliciuscula</i>
Wood Lily	<i>Lilium philadelphicum</i>
Kalm's Lobelia	<i>Lobelia kalmii</i>
Rocky Mountain Twinpod	<i>Physaria saximontana var. dentata</i>
Blunt-leaved Pondweed	<i>Potamogeton obtusifolius</i>
Northern Buttercup	<i>Ranunculus pedatifidus</i>
Autumn Willow	<i>Salix serissima</i>
Rolland's bulrush	<i>Trichophorum pumilum</i>
Limprichtia Moss	<i>Scorpidium revolvens</i>
A Scorpidium Moss	<i>Scorpidium scorpioides</i>